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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,585	07/15/2005	Fabio Eduardo Rosa	04304/0202992-US0	5478
7278	7590	08/23/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257				WACHSMAN, HAL D
		ART UNIT		PAPER NUMBER
		2857		

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/537,585	ROSA, FABIO EDUARDO
Examiner	Art Unit	
Hal D. Wachsman	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-19 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 July 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-15-05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2857

1. This application is in condition for allowance except for the following formal matters:

a) The amendment to the specification in the Preliminary Amendment filed 6-6-05 is improper under 37 C.F.R. 1.121 because it does ^{not} identify where the statement of continuing data is to be added. In addition, the Examiner respectfully notes that the image file wrapper contains a specification from WO 2004/051293 (PCT/BR2003/000185) however this specification is not formally marked as being the 10/537,585 specification. Appropriate correction is required.

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8-19-06

b) This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). The only Abstract found in the image file wrapper was that on the bottom of the first page of the WO 2004/051293 A1 document. An abstract on a separate sheet is required.

c) The specification is objected because it contains legal phraseology. For example, page 6, line 32, cites "said fans". This same type of problem occurs at various other locations of the specification. Appropriate correction is required.

d) Page 1, line 35, of the specification cites "...it is responsibility..." but was this intended to be "...it is the responsibility..." ? Page 4, lines 30-31, of the specification cite "...is equal to higher than that..." however was this intended to be "...is equal to or higher than that..." ? Appropriate correction is required.

e) Claims 1-19 are objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The preamble of claim 1 cites "Diagnosis system for ..." however was

this intended to be "A diagnosis system for..." ? In claim 1, line 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Claim 1, line 7, cites "...in the inlet of the loads" however is this referring to the inlet of each of the loads ? Claim 1, line 8, cites "the respective switch" however is this referring to the respective switch of each load ? Claim 1, line 13, cites "the elements defined by the command module" which lacks antecedent basis. This same type of problem also occurs in claims 2, 5, 14. Claim 1, lines 13-14, cite "...by the switches, and by the respective electronic controls..." however was this intended to refer to failure in the switches and failure in the respective electronic controls ? This same type of problem also occurs in claims 2, 14. Claim 2, lines 3-4, cite "...with the respective switches..." however was this intended to be "...with the respective switches of the two loads..." ? Claim 2, lines 5-6, cite "their respective electronic controls" however the use of the pronoun "their" adds ambiguity with respect to what exactly possesses the electronic controls. This same type of problem also occurs in claim 5, line 3, claim 7, lines 3, 4, claim 10, line 4, claim 14, line 2, claim 16, lines 2, 3, claim 19, line 3. Claim 2, line 7, cites "each load" which it appears should be "each of the two loads". Claim 2, line 9, cites "of two loads" which it appears should be "of the two loads". Claim 2, line 11, cites "whose activating means" which lacks clear antecedent basis. This same type of problem also occurs in claim 4. Claim 4, line 3, cites "the second load" which it appears should be "the second load of the two loads". Claim 4, line 3, cites "said load selected from the two loads" which lacks clear antecedent basis. Claim 5, lines 2-3, cite "the normal operation in the refrigeration

appliance" which lacks clear antecedent basis. This same type of problem also occurs in claim 14. The last 2 lines of claim 6 cite "the first voltage is compulsorily situated in the correct operational condition of the loads" however there is ambiguity here with respect to what is meant by "compulsorily situated" as it is applied to the first voltage here. This same type of problem also occurs in claim 15. Claim 8, line 3, cites "the respective second voltage" however is this referring to the respective second voltage of each load ? This same type of problem also occurs in claim 17. Claim 12, line 2, cites "the inlet of the loads" however was this intended to be "the inlet of each of the loads" ? Claim 18, line 1, and claim 19, line 2, cite "the minimum voltage" both of which lack antecedent basis. The examiner asks the applicant to better claim the limitations cited above. While the examiner understands the intentions of the applicant he feels confusion could be drawn from the limitations cited above. Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. The following references are cited as being art of general interest: Rosa et al. (US 2005/0248215 A1 and WO 2004/017482 A2) which disclose detecting low voltage in an electric appliance, Striek et al. (5,256,905) which disclose an appliance controlling one or more AC power loads through switch devices, Ida (5,896,086) which discloses a

failure diagnostic apparatus for an electronic apparatus and Manson et al. (4,977,394) which disclose a diagnostic system for an automatic appliance.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D. Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
August 19, 2006